

# PROTECT OUR BAYSIDE COMMUNITIES

## **Mission Statement**

*Protect Our Bayside Communities, a concerned alliance of stakeholders from local communities and government, labor groups, real estate, local business and industry, affordable housing and environmental justice advocacy organizations, will provide a new and united voice for both the protection of bayside communities, businesses, and public services that are vulnerable to inundation and flooding due to sea level rise and the investment necessary to preserve and nourish bayside economies.*

## **About us**

Science tells us that during the 20<sup>th</sup> Century sea levels rose an estimated 6.7 inches (17 cm) and that the rate of global sea level rise is increasing. Projections call the waters to arise another 16 inches (40 cm) by mid-century and 55 inches (140 cm) by the year 2100. While sea level rise is a long-range threat, key land-use and transportation planning policies that will allow or prevent us from responding prudently are being set today, as are the policies that can help or hinder efforts to curb the causes of global warming while keeping our region's economy strong and growing. More than ever, these important policy decisions are being made by regional agencies that are less accountable to voters and under constant lobbying pressure from special interest groups and single-issue advocates pushing narrow agendas.

We are a concerned alliance of stakeholders from local communities and government, labor groups, real estate, local business and industry, affordable housing and environmental justice advocacy organizations that believe that efforts to protect against rising seas and a robust economy and workforce should be seen as wholly compatible. Common sense tells us we should evaluate the specific threat to bayside communities before implementing regional zoning controls and guidelines that may hinder our ability to design, finance and build protective measures.

We believe each city and county should be responsive to its residents by first exploring the specific threat posed by projected sea level rise in their community and then by developing a plan to address those specific threats in an inclusive and transparent manner. We call for a Regional Climate Change adaptation strategy that:

1. Affirms local government authority over land-use decisions and the need to first assess sea level rise threats to bayside communities before adoption of new zoning controls and guidelines.
2. Acknowledges the role private investment and development could play in providing protection solutions to threats posed by sea level rise-related flooding, storm surge and inundation.
3. Avoids prejudging projects that could be sources of sea level rise protection and avoids making presumptions about land-uses that could end up making it harder to effectively respond to sea level rise and meet equally important environmental and economic objectives.

Conversely, a segment of the environmental community is pushing hard at state agencies like the San Francisco Bay Conservation and Development Commission for sea level rise policies that call for restrictions on new development and economic activity and would ask our region to prepare to “abandon” low-lying areas.

We think there is a much better approach that calls for a sober assessment of the threat and for our region to “invest and protect.”

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## **Background:**

Global warming is expected to result in sea level rise in San Francisco Bay of 16 inches (40 cm) by mid-century and 55 inches (140 cm) by the year 2100. Without maintenance of existing levees and flood controls and investment in new measures, the inundation and flood zone would extend to:

- 270,000 people in Bayside communities,
- 213,000 acres of shoreline and low-laying inland property around the Bay,
- \$62 billion in buildings and their content at the shoreline alone,
- Billions of dollars worth of critical transportation, public health and educational assets and infrastructure.

The potential inundation zone also is home to under-utilized industrial land, former military bases and other property that provide the most significant opportunities for transit-oriented infill development in the Bay Area.

On September 3, 2010, BCDC published a proposed amendment to its Bay Plan, which would establish requirements and recommendations for land-use and development permit decisions in areas potentially vulnerable to inundation and flooding. While most of this property is outside the BCDC jurisdictional 100-foot shoreline band, the vast area will come under the agency's considerable influence if the new policies and findings are adopted. In part, provisions of the proposed amendment will do the following:

1. Discourage new development and private investment, except in certain narrowly defined circumstances.
2. Create a presumption that land that once contained wetlands or tidal marsh should be restored as such.
3. Suggest surrendering and retreating from unspecified low-lying developed areas without first offering protective solutions.
4. Erode local authority over land-use decisions and conflict with local economic development plans.
5. Establish zoning controls and guidelines without first assessing the actual threat to specific communities and strategies for making and paying for protective improvements.

For the proposed Bay Plan on Climate Change, use the following link to the BCDC Web site:  
[http://www.bcdc.ca.gov/proposed\\_bay\\_plan/2010-10\\_1-08bpa3.pdf](http://www.bcdc.ca.gov/proposed_bay_plan/2010-10_1-08bpa3.pdf)

To see property subject to the proposed policies and guidelines, use the following link to maps published by BCDC: [http://www.bcdc.ca.gov/planning/climate\\_change/index\\_map.shtml](http://www.bcdc.ca.gov/planning/climate_change/index_map.shtml)

# PROTECT OUR BAYSIDE COMMUNITIES

[www.BayRising.com](http://www.BayRising.com)

## Elected Leaders and Regional Organizations Encouraging Policies that Protect our Bayside Communities from Sea Level Rise

### Elected officials

**Luis Alejo**, Assemblymember, State of California  
**Nora Campos**, Assemblymember, State of California  
**Don Horsley**, Supervisor, San Mateo County  
**Kansen Chu**, Councilmember, City of San Jose  
**Rich Constantine**, Councilmember, City of Morgan Hill  
**Armando Gomez**, Councilmember, City of Milpitas  
**Margaret Abe-Koga**, Councilmember, City of Mountain View  
**Peter Leroy-Munoz**, Councilmember, City of Gilroy  
**David Lim**, Councilmember, City of San Mateo  
**Evan Low**, Councilmember, City of Campbell  
**Jamie Mathews**, Mayor, City of Santa Clara  
**Richard Santos**, Board Member, Santa Clara Valley Water District  
**Tony Estremera**, Board Member, Santa Clara Valley Water District  
**Antonio Medrano**, Trustee, West Contra Costa Unified School District  
**Tony Spitaleri**, Councilmember, City of Sunnyvale  
**Gilbert Wong**, Mayor, City of Cupertino  
**Nat Bates**, Councilmember, City of Richmond  
**Corky Booze**, Councilmember, City of Richmond  
**Rob Schroder**, Mayor, City of Martinez  
**Mike Derting**, Councilmember, City of Suisun  
**Charlie Bronitsky**, Councilmember, Foster City  
**Gina Papan**, Councilmember, City of Millbrae

### Labor

Building Trades Council of Alameda County  
Contra Costa County Building & Construction Trades Council  
Marin County Building & Construction Trades Council  
Napa-Solano Building Trades Council  
Napa-Solano Counties Central Labor Council  
San Francisco Building & Construction Trades Council  
San Mateo County Building & Construction Trades Council  
Santa Clara & San Benito Counties Building & Construction Trades Council  
Sonoma, Lake and Mendocino Counties Building & Construction Trades Council

### Municipalities

City of Alameda  
City of Suisun City  
City of Richmond

### Economic Development and Business

Santa Clara Chamber of Commerce  
San Mateo Area Chamber of Commerce  
23rd Street Merchants Association (Richmond)  
Oakland African American Chamber of Commerce  
Alameda County Taxpayers Association  
Solano County Economic Development Association  
Oakland Jobs and Housing Coalition  
North Bay Agricultural Alliance  
McCarthy Ranch Corporation  
Franklin Templeton  
Sonoma County Alliance  
North Bay Leadership Council  
Hayward Chamber of Commerce

### Organizations and Groups

Peninsula Coalition  
Silicon Valley Young Democrats  
Keith Woods, CEO, North Coast Builders Exchange  
Klif Knowles, Executive Director, Marin Builders Association  
John Bly, Executive Vice President, Northern California Engineering Contractors Association  
Alviso Neighborhood Group  
Contra Costa Senior Taxpayers

### Faith-Based and Social Justice Orgs

FaithWorks  
Pastor Henry Washington, Garden of Peace Church, Richmond  
Richmond Vision

# The Reporter

## Editorial: Regional vs. Local Control

Published by The Reporter

Posted: 05/08/2011 01:08:02 AM PDT

A tug-of-war is taking place in the Bay Area right now, and residents may be feeling pulled in different directions.

The tension surrounds the question of how we want to handle such matters as growth, air quality, water availability, transportation or even rising sea levels: Do we want to deal with them locally or on a regional level? And what do we do when a regional solution isn't palatable locally?

Suisun City weighed in on one of these issues recently when its City Council rejected a proposal by the San Francisco Bay Conservation and Development Commission (BCDC) to discourage new development and economic activity in low-lying areas near the Bay shoreline that may flood if sea levels rise as predicted in coming years. The BCDC also envisions abandoning some unspecified urban areas that could be inundated.

Believing their town might be one of those unspecified urban areas that would be abandoned to rising waters, Suisun City officials rejected the "policy of retreat."

It's a valid concern. What happens if businesses stop investing in the city for fear of such long-range policies? What about homeowners? Would they now be stuck with unsellable properties?

And yet, if rising sea levels make the city prone to flooding, should all taxpayers be expected to fork over Federal Emergency Management Agency funds to continually repair the damage? What flood prevention measures is Suisun willing to take? More important, what can it afford? Any search for outside

funds is sure to encounter competition from other, more densely populated areas that are also at risk.

And that is the downside of regional planning: The more densely populated areas are always going to have more sway than outlying communities, such as those in Solano County.

But local communities must retain their voice, too. Last week, the Association of Bay Area Governments, the Metropolitan Transportation Commission, the Bay Area Air Quality

Management District and the BCDC came to Solano County to seek input into a state-ordered plan to develop sustainable communities on a regional basis. It's a conversation about where new development should occur and what kinds of transportation investments should be made.

Initially, at least, one of the proposals has been to encourage dense growth around transportation hubs, to encourage the use of public transportation rather than cars.

As at least one Vacaville resident has pointed out, that would appear to conflict with the kinds of development being looked at by the city of Vacaville as it updates its general plan. Although not all of the options have been presented yet, the plan to date has focused not on high-density, infill development but on allowing more suburban-style homes to be built east of Leisure Town Road. Should Vacaville align its general plan with the regional effort? Or should the regional planners start by looking at what the local communities have already envisioned?

These government planning discussions, however, must also begin to take in account private property rights and economic realities. Even if cities or regions can agree on what kinds of development they want to encourage, those developments will only be built if property owners and developers agree to build them. And as Vacaville has consistently seen, that always depends on the economy.

Which is why this is an excellent time to be having these conversations, so that plans can be in place when the economy picks up and developers are ready to come calling again.

Some issues should be addressed on a regional level, yet local control is also critical. To achieve both, residents must engage in the planning processes. That means attending meetings, visiting websites ([www.youchoosebayarea.org](http://www.youchoosebayarea.org) and [www.vacavillegeneralplan.org](http://www.vacavillegeneralplan.org) are good places to start) and talking with elected and appointed officials who will be making the decisions.

This tug-of-war between regional and local control isn't supposed to be won, after all. It's a tension that must be maintained, and the only way to do that is to keep hanging on.

## **The Reporter**

### **Suisun leads the way**

Published by The Reporter

Posted: 05/01/2011 01:06:11 AM PDT

Recently, the Suisun City Council voted unanimously to take action to protect Suisun City from rising sea levels and refused a policy of retreat recommended by a state agency, the Bay Conservation Development Commission (BCDC).

Research indicates the bay will rise 55 inches in the next century, but despite available solutions, BCDC is encroaching on local control and decision-making by recommending the affected areas do nothing -- except move to higher ground.

Suisun City and many other Bay Area communities face two urgent threats. First, long-term, Suisun City will lose significant property to flooding without action to protect it. However, the far more dangerous threat is losing our local authority to make the best decisions to protect Suisun City by being forced into a policy of retreat.

A retreat plan is no solution at all. It does nothing to protect our homes, schools or property values. It will discourage maintenance and new investment, while disrupting the future economic vitality of Suisun City.

In passing this resolution, the Suisun City Council showed true leadership for local governments throughout the Bay Area concerning how best to respond to these risks and protect their cities.

**Mike Ammann, president**

**Solano County Economic Development Corp.**

**Fairfield**

# THE DAILY JOURNAL

San Mateo County's homepage

## **Cities: Slow down climate change plan**

*November 01, 2010, 03:30 AM By Bill Silverfarb Daily Journal staff*

A commission charged with bracing the Bay Area for the eventuality of rising sea levels is being urged to slow down the process of amending the Bay Plan, a document which guides development on the Bay.

The San Francisco Bay Conservation and Development Commission has spent the past two years looking at ways to guide future development along the Bay and has proposed making several changes to the Bay Plan, including the protection of up to 213,000 acres to development.

The commission is comprised of 27 officials from throughout the Bay Area, including San Mateo County supervisors Richard Gordon and Carole Groom.

So far, several cities have sent letters to the commission asking it to reconsider prohibition of development that cannot be adapted to sea level rise considering the proposed amendments to the Bay Plan offer no guidance as to how development must adapt to sea level rise.

Foster City, Millbrae, Redwood City and South San Francisco all oppose the amendments to the Bay Plan for now, urging the commission to reconsider sweeping changes until all involved stakeholders have a chance to weigh in on the changes.

"By BCDC's own calculations, these proposed amendments to the Bay Plan would impact \$62 billion in existing shoreline development, 270,000 people, and 213,000 acres around the Bay. BCDC's maps show impacts to 76 cities and counties around the Bay," according to a staff report presented to the Millbrae City Council.

Millbrae Mayor Paul Seto, in a letter to BCDC, said tackling the effects of climate change is best implemented at the local level.

In Redwood City, Mayor Jeff Ira said his city's own climate change initiatives are already well established.

"The proposed amendment will impose significant policy changes that would have dramatic impacts on local governments, yet the process used does not appear to have fully

and directly engaged local governments,” Ira said in a letter to BCDC.

Two nonprofit agencies, Save the Bay and the Bay Area Council monitor BCDC. Save the Bay focuses on environmental issues while the Bay Area Council looks at the economic impacts of BCDC’s policies.

The Bay Area Council, the Bay Planning Coalition and the Building Industry Association have already proposed changes to the Bay Plan amendments for economic reasons.

BCDC had hoped the amendments would be approved by the end of this month but commission members and Will Travis, BCDC’s executive director, told the Daily Journal there is no rush to finalize the Bay Plan amendments.

“It is too important to rush. It needs to be done well,” Travis said. “Sea level rise will have quite an impact on the Bay Area and we must be prepared.”

Commissioners have been working on the amendments for two years and have conducted numerous public hearings, said Gordon.

“I’m not sure the cities were paying much attention,” Gordon said. “Cities need to participate more in the process.”

Gordon said he was prepared, however, to slow down the process.

“It will be slowed down. I think it should be slowed down,” Gordon said.

BCDC is an advisory group, meaning its recommendations for caring for the Bay and building on its shoreline do not carry any legal weight.

BCDC’s regulatory authority ends where the Bay meets the levees at Foster City’s shoreline, for instance. It cannot dictate to Foster City where it can build, for instance.

“BCDC doesn’t have authority to stop development,” said Travis, who also said the vote on the Bay Plan amendments will likely be pushed back to early 2011.

BCDC held a workshop Friday on Bay Plan amendments and will meet twice this week, today and Thursday, to discuss the amendments.

Global warming is expected to result in sea level rise in the Bay of 16 inches by mid-century and 55 inches by the end of the century, according to BCDC.

Over 82,000 acres of residential development is vulnerable to flooding by the end of the century, according to BCDC.



## **San Francisco Business Times**

### **Power grab threatens development**

### **Bay commission, citing rising sea, seeks to expand turf**

### **Premium content from San Francisco Business Times - by J.K. Dineen**

Date: Sunday, October 17, 2010, 9:00pm PDT

A contentious plan to confront rising sea levels in the Bay Area is creating a political storm as developers and planning officials say the proposal could delay or kill billions of dollars of local urban development projects.

The San Francisco Bay Conservation and Development Commission is pushing a Bay plan amendment that sets guidelines and policies for 213,000 acres that could be vulnerable to a 55-inch sea level rise by the end of the century.

The vast majority of the land is outside the current purview of the commission, known as BCDC, which has jurisdiction within 100 feet of the Bay. But the BCDC documents are a comprehensive strategy for the entire "inundation zone," and one that will likely become a powerful planning tool if adopted by the commission.

Opponents say the new policies amount to a BCDC power grab that will create new avenues for foes to challenge development at a time when construction has yet to bounce back from the recession. Critics ranging from developers to planners to labor contend the BCDC planning process lacked transparency and that the agency should scrap the document and start again.

BCDC Executive Director Will Travis says he is hoping the plan will be adopted by the end of the year.

The plan is opposed by officials from San Francisco, San Jose, Redwood City, Emeryville, Richmond and other cities. San Francisco Redevelopment Agency Director Fred Blackwell called on the BCDC to "withdraw the proposed amendments and work with affected stakeholders, including the Redevelopment Agency and other City departments, to develop a climate change plan that protects public safety and enhances the vitality of our communities."

In an Oct. 7th letter to BCDC, Blackwell said the redevelopment agency "is undertaking a number of large-scale projects" that will become "subject to the amendments' restrictions."

“These projects will create new affordable housing, green space, commercial and educational centers and high-quality jobs,” Blackwell stated. “Yet, the amendments’ implications on these projects, which appear to be significant, have not been considered and appropriate coordination with the City and County of San Francisco has not occurred.”

The amendment could have an impact on major developments planned for Treasure Island, Hunters Point, Oak to Ninth in Oakland, as well as the Saltworks proposal in Redwood City, opponents argue. It could also hamper expansion plans by waterfront businesses like Oracle, which has opposed the amendments. In a letter to Travis, Oracle Vice President of Real Estate Randall Smith said the whole BCDC amendment process “needs a hard restart.”

“Our first concern is that we could be in the dark about something that so directly impacts the interests of our company and industry,” stated Smith.

He went on to say that the document “creates unnecessary hurdles to our ability in Redwood Shores, in San Mateo County, along the Peninsula and around the region to build the homes we need to house tomorrow’s workforce and to protect our neighborhoods, commercial areas, and industry from inundation and flooding under some of the scenarios that your agency says we should be preparing for today.”

Mark Kroll, principal at San Mateo-based developer Sares Regis Group, said the proposed BCDC changes “have the potential to induce so much uncertainty that they may stifle regional planning goals and economic investment in the Bay Area, not to mention the effect this would have on existing property owners within the zones of influence.”

“It’s all about process and this has not respected the process,” said Kroll. “It needs a lot more input from people affected.”

### **Fears misplaced**

Travis, executive director of the BCDC, called the criticism and fears about the commission seeking to expand its authority “quite wrong.” That would require an act of the legislature, and although BCDC has looked at legislation, it has no plans to introduce any, he said.

“We can’t vastly increase our jurisdiction — we have not asked for that change so it’s not happening,” he said. “We don’t have the authority to have a moratorium on development even if we wanted to.”

Travis said the agency supports development on closed military bases and other infill sites as long as sea level changes are taken into account.

“Rather than a moratorium we call for innovation,” he said.

But for developers much of the language in the proposed amendment is quite startling. The draft amendments suggest that all projects in the inundation zone should include a risk assessment plan that takes into account 100-year flood elevations. All projects should be “designed to be resilient to a mid-century sea level projection.” The draft amendment acknowledges that the plan may conflict with the “regional goal of encouraging infill development at closed military basis and in concentrating development near jobs and transit.”

To minimize the conflict, the document suggests that “infill or redevelopment can be clustered on a portion of the property to reduce the area that must be protected.” The draft also suggests that flood-prone developed areas that are within the inundation zone should be looked at for “ecosystem restoration.”

“Some developed areas may be suitable for ecosystem restoration if existing development is removed to allow the Bay to migrate inland,” states the draft.

### **A cloud over development**

Thus far the Bay Area Council, the Bay Planning Coalition and the Building Industry Association of the Bay Area have taken the lead in trying to slow down the plan. Ellen Johnck of the Bay Planning Coalition, which mostly represents maritime groups, called the draft “worrisome.”

“Some of the language would preempt an open-minded consideration of many projects,” said Johnck. “It puts a cloud over what can happen and what can not and how much say BCDC has over what happens.”

Paul Campos, president of the Building Industry Association of the Bay Area, said the BCDC plan contradicts regional efforts to build tens of thousands of transit-oriented urban housing units as a way to reduce carbon emissions.

“There is a clear and obvious conflict between the proposed Bay plan amendment and sustainable communities strategies,” said Campos. “BCDC staff has made no serious effort to bring local government into a formal, structured process to analyze how these contradictory planning efforts interact and conflict.”

Campos said the planning process has been hijacked by anti-development environmental groups like Save The Bay.

“The most high-profile supporter is Save The Bay and (executive director) David Lewis, who represents a single-minded extreme end of the environmental movement,” said Campos. “The fact they are supporting the amendment is persuasive evidence that there are great reasons for concern.”

### **Environmentalists defend plan**

Save The Bay's Lewis scoffed at the notion that the amended plan is radical. He said it's consistent with Gov. Arnold Schwarzenegger's 2009 California climate adaptation strategy, legislation that says already developed areas vulnerable to rising sea levels should be protected while undeveloped areas should not be built on.

"BCDC is taking a far more modest approach than we think is merited," said Lewis. "What they are actually proposing in their policies is guidance that local cities and counties need about how they should approach these issues."

Lewis blamed the backlash against the amendments on Cargill and DMB, which are trying to win approvals to build 8,000 units of housing on 1,400 acres of salt ponds in Redwood City. He said the opponents have been "whipped into a frenzy by misrepresentation from the Bay Planning Coalition."

Travis said BCDC is not against infill development and that the plan allows for exceptions to accommodate infill projects so long as they take sea levels into account. But Campos said the document language puts all the burden on the city or company trying to build.

"The amendments place uncertainty, litigation risk, and unnecessary obstacles in the way of infill projects that smart growth principals suggest ought to be fast-tracked, not impeded," said Campos.

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“A retreat plan is no solution at all. It does nothing to protect our homes, schools or property values. It will discourage maintenance and new investment, while disrupting the future economic vitality of Suisun City.”

- Mike Ammann, president, Solano County Economic Development Corporation,  
*The Reporter*, May 1, 2011

“Hundreds of thousands of jobs, billions of dollars in economic activity, and a significant portion of the Bay Area economy lies within the projected inundation zones.”

- Napa-Solano Counties Building and Construction Trades Council, March 2, 2011

“[The proposed BCDC changes] have the potential to induce so much uncertainty that they may stifle regional planning goals and economic investment in the Bay Area, not to mention the effect this would have on existing property owners within the zones of influence.”

- Mark Kroll, principal, Sares Regis Group, *San Francisco Business Times*, October 17, 2010

“The potentially impacted classes of residents include countless senior citizens, disabled persons, and low income families living within the projected ‘inundation’ zone that will be impacted by projected sea level rise.”

- Santa Clara & San Benito Counties Building & Construction Trades Council, February 17, 2011

“Working men and women in the Bay Area already face crushing economic pressures and high unemployment, making policies that discourage investment and economic development especially punitive for working families.

- Building and Construction Trades Council, March 23, 2011

“In Redwood City, Mayor Jeff Ira said his city’s own climate change initiatives are already well established. ‘The proposed amendment will impose significant policy changes that would have dramatic impacts on local governments, yet the process used does not appear to have fully and directly engaged local governments,’ Ira said in a letter to BCDC.”

- *The Daily Journal*, November 1, 2010

“Influential advocacy groups are now strongly pushing for new policies to be adopted by agencies such as the San Francisco Bay Conservation and Development Commission that would call on local government to “retreat” from existing urbanized areas in the face of rising seas, thus abandoning existing residents and businesses that operate in these zones.”

- San Francisco Building and Construction Trades Council, March 3, 2011

“Some individuals and groups also are proposing additional taxes on homeowners to deal with [bayside] issues - without consideration of the need to preserve those revenue sources to support fiscally threatened basic public services such as police, fire protection and schools.”

- Contra Costa Building and Construction Trades Council, March 3, 2011